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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,923	12/16/2003	Chimanlal N. Gandhi	102 SC-01-US	4267
7590 10/18/2005			EXAMINER	
CHIMANLAL N. GANDHI			DZIERZYNSKI, EVAN P	
c/o UNIT 33-2280 MUNN'S AVENUE			ART UNIT	
OAKVILLE, ON L6H 3L1			PAPER NUMBER	
CANADA			2875	
DATE MAILED: 10/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,923

Applicant(s)

GANDHI, CHIMANLAL N.

Examiner

Evan Dzierzynski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the applicant has not responded to the Notice to file corrected application papers from 3/25/05 and the original drawings are considered informal.

### ***Claim Objections***

Claim 16 is objected to because of the typographical error on line 4 of the claim. Please delete the repeated word "body". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

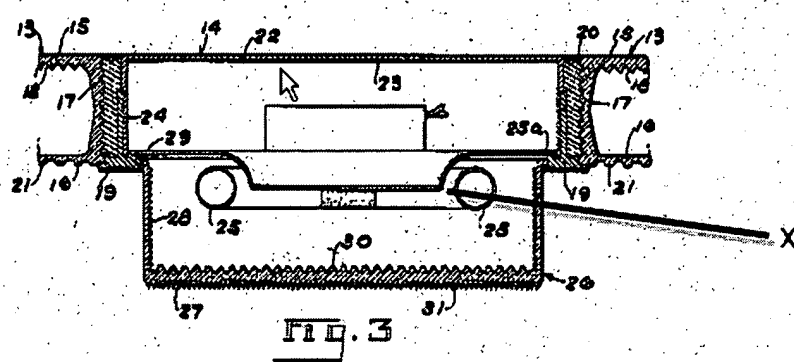
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11-12, 15-16, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd (3113728).

Boyd teaches a lighting fixture 10 for emitting natural and artificial light into a building (fig 3), in which the lighting fixture comprises a main frame body 14. It is inherent that the device has a means for mounting the main frame body onto a building, since the device is a skylight. Boyd also teaches a light transmissive skylight (column 1, lines 62+) mounted in generally overlying relation on the main frame body, and a natural-light passing opening 13 in the main frame body for permitting natural light received from the light transmissive skylight to pass through the main frame body and

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into the building. Boyd also teaches a first light socket (not labeled, indicated below as X) operatively mounted on the main frame body for receiving an artificial light source 25 therein, and a reflector means (column 2, lines 20+) operatively mounted on the main frame body adjacent to the first light socket in overlying relation thereto, for reflecting artificial light from the artificial light source outwardly from the lighting fixture and into the building.



As for claim 2, Boyd teaches the lighting fixture as discussed above, wherein the reflector means is mounted on the main frame body (column 2, lines 20+).

As for claim 3, Boyd teaches the lighting fixture as discussed above, wherein the first light socket is mounted on the reflector means (fig 3).

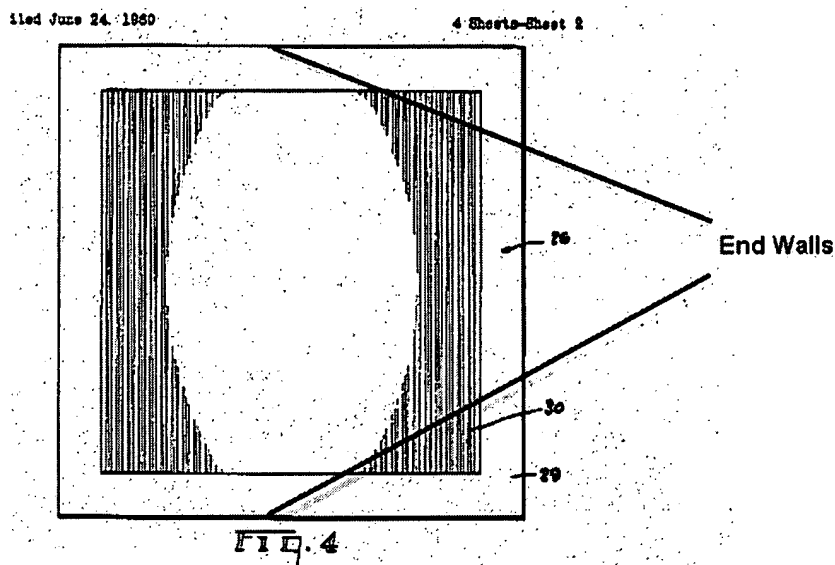
As for claim 4, Boyd teaches the lighting fixture as discussed above, wherein the main frame body has a roof portion 23 and a wall portion 24 depending from the roof portion.

As for claim 11, Boyd teaches the lighting fixture as discussed above, wherein the wall portion is disposed in surrounding relation around the first light socket (fig 1).

As for claim 12, Boyd teaches the lighting fixture as discussed above, wherein the main frame body is substantially rectangular and the wall portion comprises a first

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and second end wall portion (drawn in below), a first side wall portion 24 and a second side wall portion 24.



As for claim 15, Boyd teaches the lighting fixture as discussed above, further comprising a peripheral retaining frame 19 secured in generally overlying relation to the main frame body.

As for claim 16, Boyd teaches the lighting fixture as discussed above, wherein the light transmissive skylight has a peripheral flange 29 portion which is securely trapped between the peripheral retaining frame 19 and the main frame body (22,24, 25a).

As for claim 18, Boyd teaches the lighting fixture as discussed above, further comprising a light diffuser 31 mounted on the main frame body at the bottom opening 27.

As for claim 20, Boyd teaches a lighting fixture for emitting natural and artificial light into a building (Fig 3). The lighting fixture comprising in seriatim, a light

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transmissive skylight (Fig 3), a main frame body 14, a reflector means (column 2, lines 20+), a first light socket for receiving an artificial light source therein (see the drawing in regard to the discussion of claim 1). Boyd also teaches a main frame body having a natural-light passing opening 13 therein for permitting natural light received from the light transmissive skylight to pass through the main frame body and into the building, and the reflector means (column 2, lines 20+) is for reflecting artificial light from the artificial light source outwardly from the lighting fixture and into the building. It is inherent that Boyd's device includes a means to mount the main frame body onto a building.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Van Dame (US Pat 4733505).

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Van Dame (US Pat 4733505).

As for claim 5, Boyd teaches the lighting fixture as discussed above, but fails to teach the wall portion terminating in a peripheral outer edge that defines a combined-light passing opening. Van Dame teaches a combined-light passage opening (fig 2). It would have been obvious for one of ordinary skill in the art to combine the light passage

opening of Van Dame with the lighting fixture of Boyd in order to save money on materials by not separating the areas where the natural light and artificial lights shine.

As for claim 6, Boyd and Van Dame teach the lighting fixture as discussed above, Boyd teaches the reflector means which is oriented to reflect artificial light from the artificial light source substantially directly through the combined-light passing opening (as noted in the discussion for claim 5).

As for claim 7, Boyd teaches the lighting fixture as discussed above. Body teaches wherein the natural-light passing opening 13 is disposed in the roof portion of the main frame body (fig 3).

As for claim 8, Boyd teaches the lighting fixture as discussed above, wherein the natural-light passing opening is substantially centrally disposed in the roof portion of the main frame body (fig 3).

As for claim 9, Boyd teaches the lighting fixture as discussed above, but fails to teach wherein the roof portion has perimeter portion disposed around the natural-light passing opening and the first light socket is mounted below the perimeter portion. Van Dame teaches wherein the roof portion has perimeter portion (fig 2) disposed around the natural-light passing opening 45 and the first light socket is mounted below the perimeter portion (column 3, lines 46+). It would have been obvious for one of ordinary skill in the art to combine the light socket location and the opening of Van Dame with the lighting fixture of Boyd in order to allow for more natural light to pass through the lighting fixture.

As for claim 10, Boyd teaches the lighting fixture as discussed above, wherein the first light socket is operatively mounted below the natural-light passing opening (figure 3).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of McHugh (US Pat 3247368).

As for claim 13, Boyd teaches the lighting fixture as discussed above, but fails to teach a second light socket operatively mounted on the main frame body for receiving an artificial light source therein. McHugh teaches a lighting fixture with two light sockets 38,40. It would have been obvious for one of ordinary skill in the art to combine the device having two light sockets of McHugh with the device of Boyd in order to provide more artificial light for the fixture.

As for claim 14, Boyd teaches the lighting fixture as discussed above, but fails to teach an opening for natural light to pass disposed between the first light socket and the second light socket. Van Dame teaches an opening 45 for natural light to pass which is disposed between the light sockets 49, 51. It would have been obvious for one of ordinary skill in the art to combine the opening of Van Dame with the device of Boyd in order to allow natural light to shine through the system. It would have also been obvious to space the lights out as Van Dame has disclosed, in order to allow more natural light to shine through the fixture.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Hoy et al. (US Pat 4549379).

As for claim 17, Boyd teaches the lighting fixture as discussed above, but fails to teach a mounting flange for mounting the main frame body onto a building. Hoy et al. teaches a mounting flange 52 for mounting the frame of a skylight onto a building. It would have been obvious for one of ordinary skill in the art to combine the mounting flange of Hoy et al. with the lighting fixture of Boyd in order to securely mount the lighting device to a building.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Dominguez (US Pat 4114186).

As for claim 19, Boyd teaches the lighting fixture as discussed above, but fails to teach it comprising a photocell mounted on the main frame body and electrically connected to the artificial light source. Dominguez teaches a photocell (column 3 lines 53+) mounted on the main frame body and electrically connected to the artificial light source. It would have been obvious for one of ordinary skill in the art to combine the photocell of Dominguez with the lighting fixture of Boyd in order to control when the artificial light source turns on and off.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Green (US Pat 5528471) discloses a skylight that also includes a lamp with reflectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Dzierzynski whose telephone number is (571)-

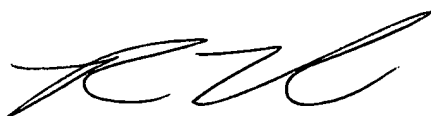
272-2336. The examiner can normally be reached on Monday through Friday 7:00 am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on M-F (571)-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Evan Dzierzynski

10/11/2005

A handwritten signature in black ink, appearing to be 'RL' with a stylized flourish.

RENEE LUEBKE  
PRIMARY EXAMINER